

# Zoning Board of Adjustment



**June 18, 2018**

**Regular Business Meeting**



## Wylie Zoning Board of Adjustment

### NOTICE OF MEETING

#### Regular Meeting Agenda

Monday, June 18, 2018 – 6:30 p.m.

Wylie Municipal Complex – Council Chambers  
300 Country Club Road, Building #100

Linda Jourdan.....	Chair
Jason Potts.....	Vice Chair
Robert Holcomb.....	Board Member
Andres Gonzalez.....	Board Member
Kevin Finnell.....	Board Member
Robert Reynolds.....	Alternate Board Member
Kevin Lanier.....	Alternate Board Member
Renae' Ollie.....	Planning Director
Jasen Haskins.....	Sr. Planner
Kevin Molina.....	Planner
Mary Bradley.....	Administrative Assistant

In accordance with Section 551.042 of the Texas Government Code, this agenda has been posted at the Wylie Municipal Complex, distributed to the appropriate news media, and posted on the City website: [www.wylietexas.gov](http://www.wylietexas.gov) within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Wylie website: [www.wylietexas.gov](http://www.wylietexas.gov).

The Mayor and City Council request that all cell phones and pages be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.

The Wylie Municipal Complex is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972.516.6020.

Hearing impaired devices are available from the City Secretary prior to each meeting.

#### CALL TO ORDER

Announce the presence of a Quorum.

#### REGULAR AGENDA

#### Public Hearing

1. Hold a public hearing to consider and act upon a request from **Matt King** for a variance to Section 4.3.E.1.a.1 of the Zoning ordinance for the required landscaping area on Lot 4RB of the Railroad Industrial Park Addition located north of the intersection of Cooper Drive and State Highway 78. **ZBA 2018-09**

## **ADJOURNMENT**

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## **CERTIFICATION**

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I certify that this Notice of Meeting was posted on this 15<sup>th</sup> day of June, 2018 at 5:00 p.m. as required by law in accordance with Section 551.042 of the Texas Government Code and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of Wylie website: [www.wylietexas.gov](http://www.wylietexas.gov).

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Stephanie Storm, City Secretary

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Date Notice Removed

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# Wylie Zoning Board of Adjustment

## AGENDA REPORT

**Meeting Date:** June 18, 2018  
**Department:** Planning  
**Prepared By:** Kevin Molina  
**Date Prepared:** June 15, 2018

**Item Number:** 1  
**Case Number:** 2018-09  
**Project Location:** 330 South State Highway 78  
Railroad Industrial Park  
Addition  
**Subdivision Name:** Location Map, Site Layout,  
Statement from Applicant,  
Notification List and Map  
with Responses  
**Exhibits:**

### Subject

Hold a public hearing to consider and act upon a request from Matt King for a variance to Section 4.3.E.1.a.1 of the Zoning Ordinance for the required landscaping area on Lot 4RB of the Railroad Industrial Park Addition located north of the intersection of Cooper Drive and State Highway 78. **ZBA 2018-09**

### Discussion

**Applicant:** Matt King

**Owner:** Wylie EDC

The subject property is located on Lot 4RB of the Railroad Industrial Park Addition and is zoned in the Commercial Corridor Zoning District.

The applicant is requesting a variance to allow for a landscaped area of 15.26% in lieu of the required 20% coverage requirement.

The landscape variance is requested to reduce the landscaping area to a percentage that is equal to 20% of landscaping with the subtraction of the square footage of the driveway connecting to Industrial Court.

A unique circumstance may be present onsite as this development will have 3 points of access and requires more pavement to achieve proper circulation and access through Industrial Court. The access that the site's driveway will provide will not only serve the subject property but also traffic from adjacent lots crossing through.

This development is providing an additional point of access onsite that will allow for traffic from adjacent existing business such a Chick-fil-a to have an alternate access point. The developer's goal is to help mitigate the amount of traffic that generates from State Highway 78 by creating an access point for traffic to flow from Cooper Drive to Industrial Court.

The proposed plan for the site is to construct a 10,000 square foot building with two restaurants, a hair salon and a dental office. Additional landscaping planters will be provided where possible in the front entry and outside eating area for this development.

This item will be presented on the 06/19/18 Planning and Zoning Commission meeting. Staff has reviewed the site plan, elevations and landscaping plans for this development and will make a recommendation pending the decision of this landscape variance request.

Public comment forms were mailed to 20 property owners within 200 feet of this request, as required by State Law. At the time of posting, two comment forms were received in favor of the request.

**The Board shall not grant a variance to the development code which:**

- (1) Permits a land use not allowed in the zoning district in which the property is located; or
- (2) Is in the public right-of-way or on public property; or
- (3) Alters any definition of the development code; or
- (4) Is other than the minimum variance that will afford relief with the least modification possible to the requirements of the development code; or
- (5) Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to the development code; or
- (6) Is based exclusively on findings of personal or financial hardship.

**In order to grant a variance to the development code the Board shall find that all the following have been satisfied:**

- (1) That there are unique physical circumstances or conditions of the lot, or other exceptional physical condition particular to the affected property;
- (2) That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the development code;
- (3) That due to such unique physical circumstances or conditions, the strict application of the development code would create a demonstrated hardship;
- (4) That the demonstrable hardship is not self-imposed;
- (5) That the variance if granted will not adversely affect the proposed development or use of adjacent property or neighborhood;
- (6) That the variance, if granted will not change the character of the zoning district in which the property is located;
- (7) That the variance, if granted is in keeping with the intent of the development code; and
- (8) That the variance, if granted will not adversely affect the health, safety or welfare of the citizens of Wylie.

**Approved By**

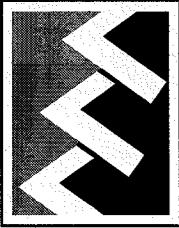
**Department Director**

*Initial*

RO

*Date*

06-15-18



LAND PLANNING • LANDSCAPE ARCHITECTURE  
4100 E 119th Street • Suite 100 • Oklahoma City, OK 73149 • 405.936.4470



## LANDSCAPE PLAN

## RAILROAD INDUSTRIAL PARK ADDITION

## ALBERT RETAIL

PROPOSED TREES			
Symbol	Key	Name	Size
(○)	BLE	Holly, Burford Ilex cornuta 'Burfordii'	3" Cal. Scaled
(○)	DO	Oak, Durand Quercus virginiana	3" Cal. Scaled

PROPOSED PLANTS			
Symbol	Key	Name	Size
(+)	DBH	Holly, Burford Ilex cornuta 'Burfordii'	3 Gai. 36"
(○)	DYH	Holly, Steke's Dwarf Yaupon Ilex vomitoria 'Steke's Yaupon'	3 Gai. 36"
(○)	GLC	Coneaster, Gravleaff. Coneaster glaucophyllus	3 Gai. 36"
(○)	AMG	Grass, Andropogon Miscanthus sinensis 'Adagio'	3 Gai. 36"
(○)	MFG	Grass, Mexican Feather Nasella tenuissima	1 Gal. 24"
(○)	AS	Sage, Autumn Salvia greggii	3 Gal. 30"
(○)	PW	Wintercreeper, Purple Euonymus fortunei 'Coloratus'	4" Cont. 18"

LANDSCAPE REQUIREMENT CALCULATIONS	
ZONE CC - 10,000 S.F. BUILDING	
Percentage of Total Site Landscape	15.26 %
Number of Site Parking Spaces	74
Required Parking Landscaping Area	50 s.f. x 74 = 3,700 s.f.
Parking lot Landscaping Area Provided	5,844 s.f.

### Notes

Note:  
The Contractor shall verify all quantities. Contractor responsible  
for providing all plant material as indicated by symbols on plan.

Irrigation difficult

All landscaped areas shown on plan shall be irrigated by an automatic  
underground twin line and freeze sensors and evaporation system shall be designed  
by a qualified professional and installed by a licensed irrigator.

Landscape Architect in writing of  
discrepancies or errors. Future plans and site conditions are to  
Contractor, requiring grade conditions and accessibility at no additional  
cost to Owner, for any future adjustments that need to be made.

All work shall be in accordance to plans. Any defective work shall be  
corrected at no additional cost.

The quality of the plant material is subject to the approval of the  
Landscape Architect and may be rejected before or after installation.  
All plant material must meet all American Standard for Nursery Stock  
Standards (ANSS).

All areas to be sodded shall first be tilled to a uniform depth of 4 inches  
in two crossing directions. After the initial tilling operation, incorporate  
1,500 pounds per acre of 10-20-10 fertilizer as specified by a soil  
test. Apply amendments as specified by a soil test.

Sod strips shall be pulled lightly together in a neat orderly manner. Do  
not overlap sod strips and do not use any strips that exhibit weak or  
thin soil.

Installed sod that turns yellow shall be given 7 days to recover before it  
is cut out to make the repair. Soil shall be replaced so as completely and uniformly  
cutting out area to make the repair.

After installation, the sod shall be rolled in two directions with a roller  
not weighing less than 100 lbs. per square foot.

Amendments shall be added to each planting pit and bed area.

All burlap material on baled and burlapped plants shall be type  
that decomposes within two years. Synthetic or plastic type wrappings  
are not allowed.

After setting bailed and burlapped plants, remove the top 1/3 of the  
burlap and completely remove all burlap twine. No burlap shall show  
above the surface.

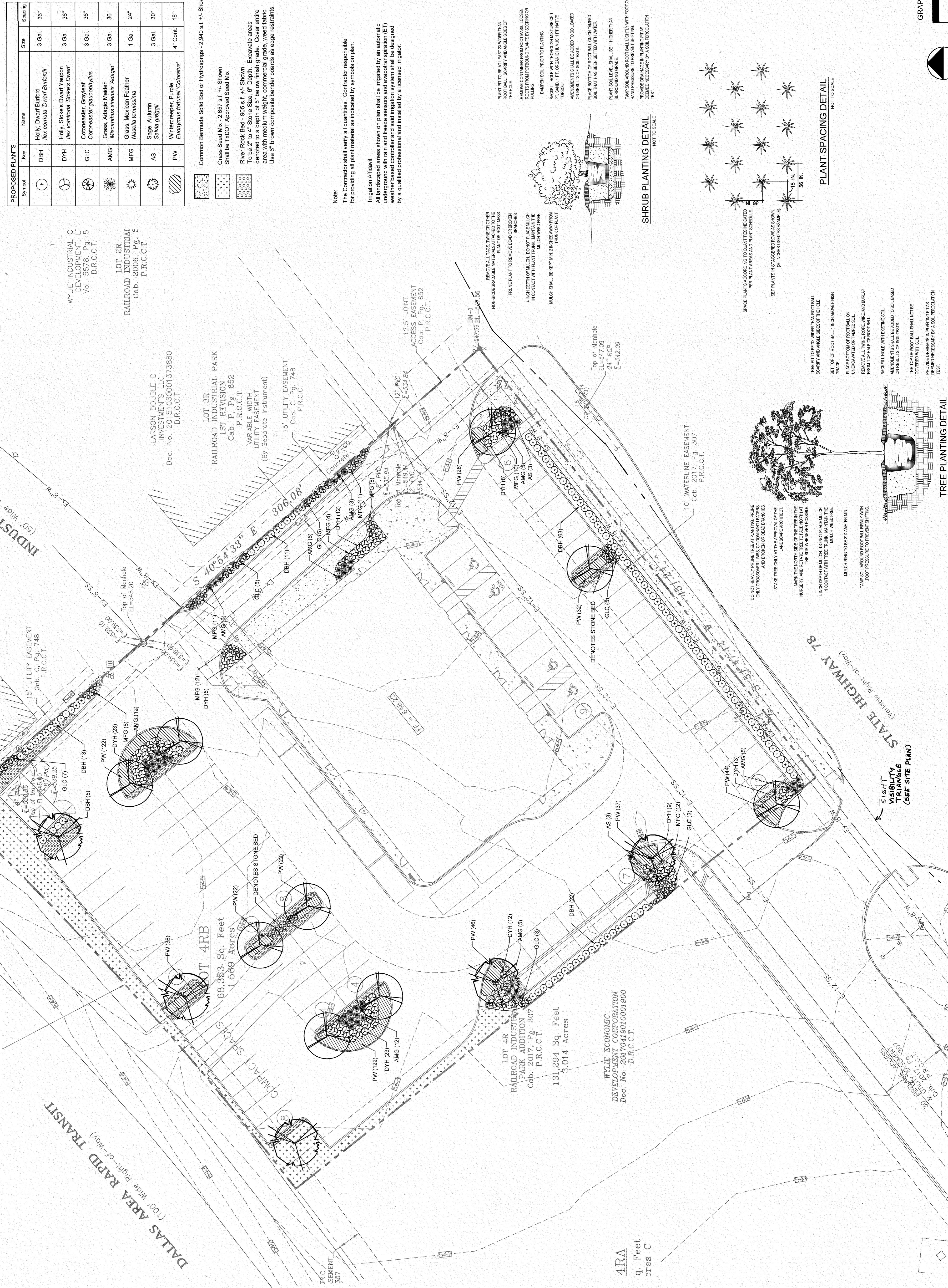
All planting areas shall be graded smooth, without the presence of low  
spots, depressions or irregular humps. Areas around planting beds and  
planning areas. All planting areas shall be constructed and graded to  
ensure positive drainage away from structures.

Cedar mulch shall be applied within 24 hours of planting of new plant  
material. Mulch shall be spread evenly to settled depth of 4" around  
all trees and shrubs to the limits of the planting beds as shown on  
plans.

All plantings shall be watered "in" by flooding the backfilled hole within  
the same working day upon which they were planted. All plants shall  
be watered daily until established. All plants shall be checked daily  
to ensure proper growth and health.

After setting bailed and burlapped plants, remove the top 1/3 of the  
burlap and completely remove all burlap twine. No burlap shall show  
above the surface.

Tree pits shall be filled with topsoil.



L 1.01

CALL BEFORE YOU DIG: 20'

40

NORTH

40

May 22, 2014

City of Wylie  
330 Country Club Road  
Wylie, Tx. 75098

Attn: Zoning Board of Adjustment  
Re: Request for variance – 330 South SH 78 commercial development.

Please let this letter serve as developers request to reduce the 20% landscape requirement for this commercial project.

Reasons for this request:

- More pavement is required onsite in order to achieve proper circulation and access through Industrial Court. This access will not only serve the subject property but also traffic from adjacent lots crossing through. The landscape variance is requested to reduce the landscaping % to a percentage that is equal to the 20% of landscaping with the subtraction of the square footage of the driveway connecting to Industrial Court.
- There is landscaping area adjacent to the right of way along state highway 78 that is not counted towards the onsite landscaping requirement.

I trust the above reasons and the site plan attached will meet with your approval for granting the variance.

Please let me know if you require any further information.

Sincerely,



Matthew King Architect.

Cc: Kevin Molina – Planner, City of Wylie



**APPLICATION – REQUEST FOR VARIANCE OR APPEAL  
ZONING BOARD OF ADJUSTMENT  
CITY OF WYLIE**

Date: 5-22-18

I, the undersigned owner or authorized agent of the following described real property located in the City of Wylie, Texas, hereby make application for a request for a variance from the terms of section \_\_\_\_\_ of the City of Wylie \_\_\_\_\_ Zoning Ordinance, or section 22-447 of Sign Ordinance 2014-44.

**LOCATION OF PROPERTY**

Street Address: 330 SOUTH SH 78

Legal Description: Lot/Tract: \_\_\_\_, Block \_\_\_\_, of Subdivision/Abstract \_\_\_\_\_

Request Variance:  Parking  Building Setbacks  Building Materials  Signs  
(If there is additional information which you feel would be helpful to the Board in making a decision, be sure to include this information in your request. If additional space is required to explain your request, please attach the explanation to this application.)

SEE ATTACHED

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A non-refundable application fee of \$100.00 is required at the time of application.

For a variance to be granted by the Board of Adjustment, the Board MUST determine that ALL of the following conditions apply:

- a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
- c. That the special conditions and circumstances do not result from the actions of the applicant.
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
- e. No nonconforming use of neighboring lands, structures, or buildings in other districts shall be considered ground for the issuance of a variance.
- f. Financial hardship shall not be considered grounds for the issuance of a variance.

I have read this application packet and understand that filing the application and paying the fee does not guarantee an affirmative action by the Board of Adjustment. I further understand that at least seventy-five (75) percent concurring affirmative votes must be cast in order to receive a variance.

Melissa Pyle

5-22-18

Signature of Applicant

Print Name

4308 CHERRY LN MELISSA, TX 75454 469 742 0678

Mailing Address

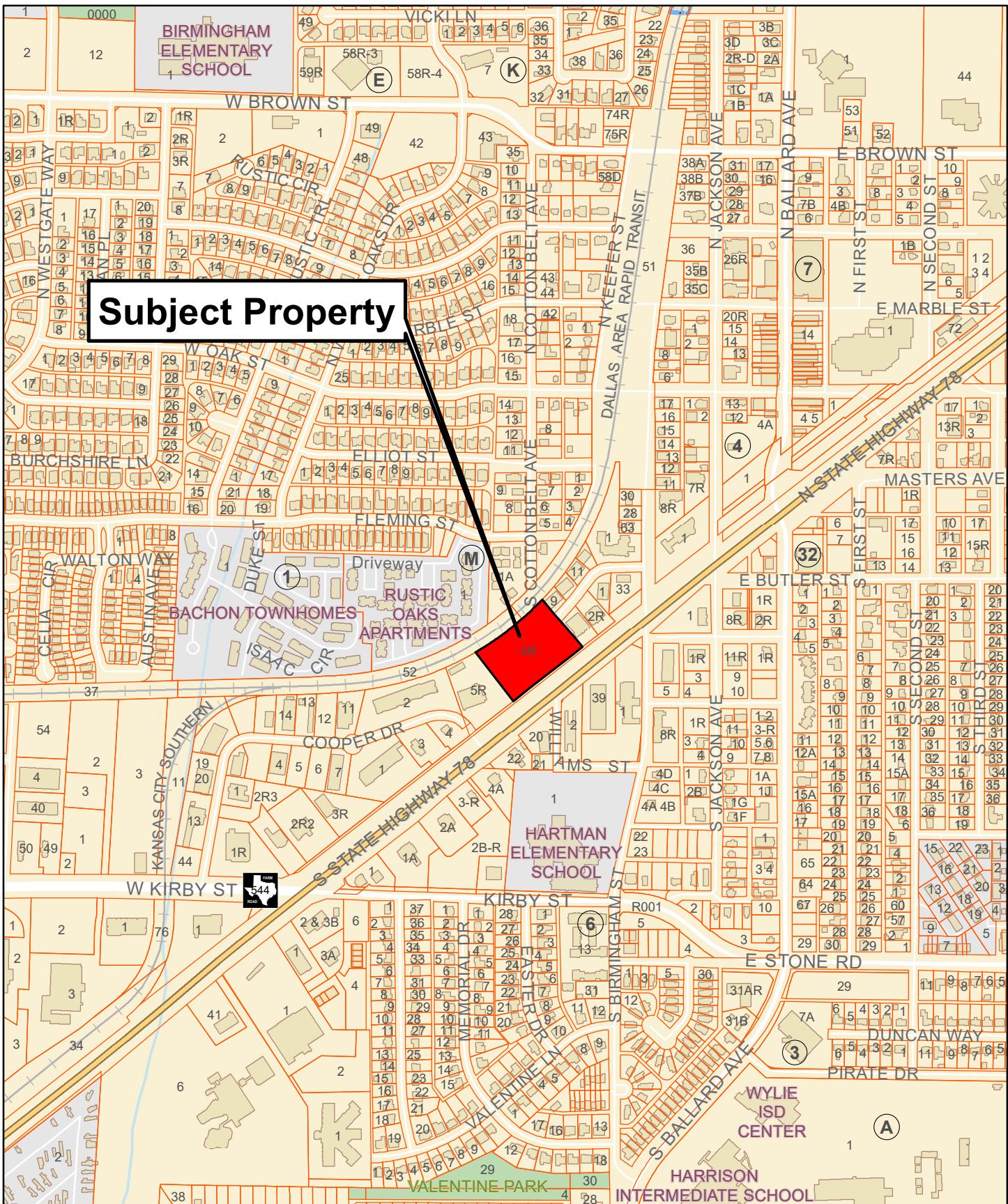
Telephone (Home)

Telephone (Day Number)

Staff Member's Signature

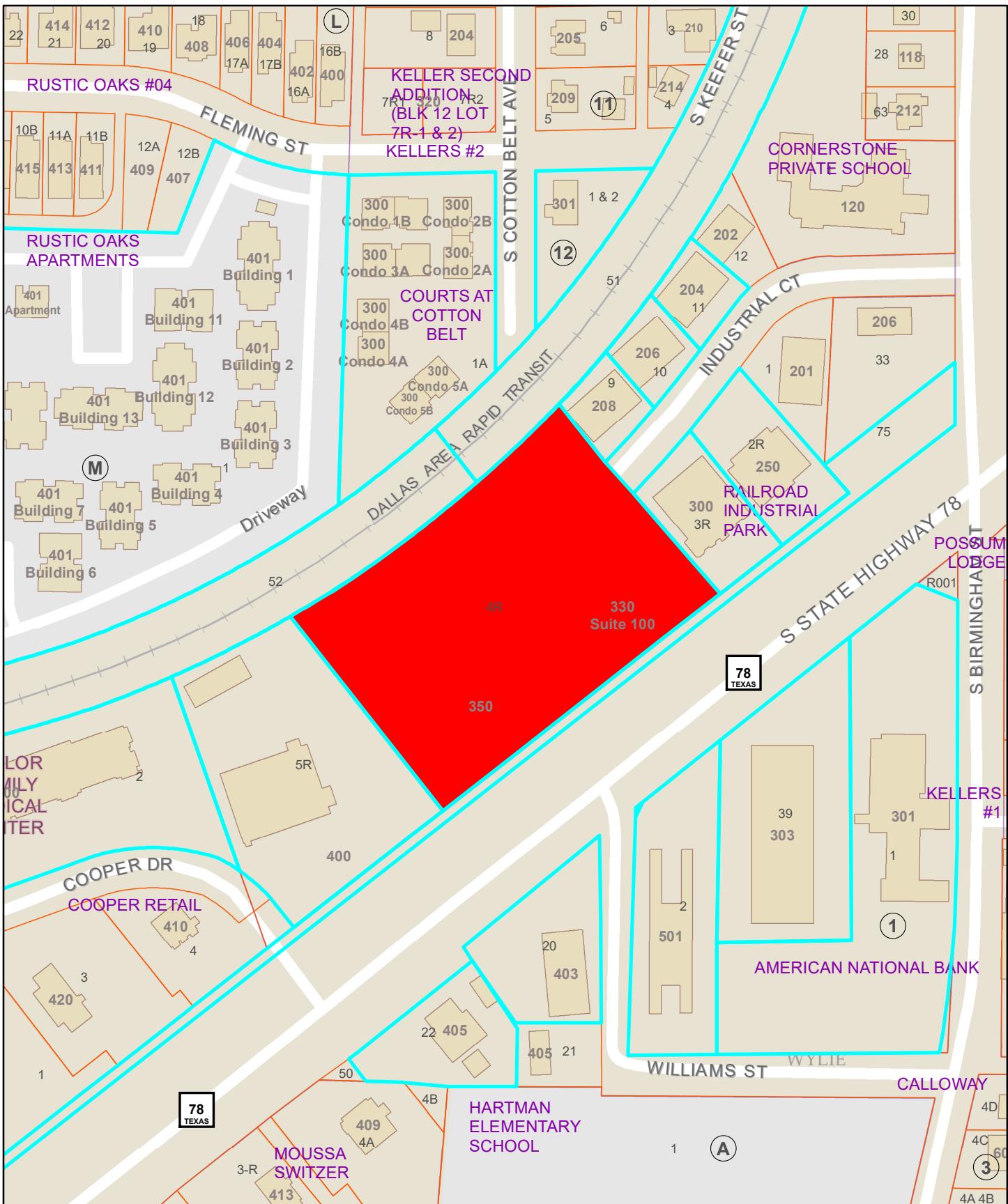
Date

Receipt Number



## LOCATION MAP ZBA #2018-09

Map Date: 6/15/2018



## PROPERTY NOTIFICATION MAP ZBA #2018-09

Map Date: 6/15/2018

Property ID	Geo ID	Property Owner	Doing Business As	Address 1	Property Address	Address 1	Status	disp
10212 R-2207-000M-0010-1	WESTDALE RUSTIC OAKS LTD	RUSTIC OAKS APARTMENTS		3100 MONTICELLO AVE STE 600	401 FLEMING ST WYLIE, TX 75098	75205-3439	RUSTIC OAKS PHASE 1-4 (C/WY), BLK M, LOT 1	
432133 R-6820-000-0200-1	WYLIE AUTO PARTS INC	VAPE STORE		6400 TEXOMA PKWY	403 S STATE HWY 78 WYLIE, TX 75098	75090-2184	ADS A0820 SAMUEL B SHELBY SURVEY, TRACT 20, .45 ACRES	
432151 R-6820-000-0220-1	ATMJ PROPERTY INC	SHELL		405 S HIGHWAY 78	405 S STATE HWY 78 WYLIE, TX 75098	75098-3946	ADS A0820 SAMUEL B SHELBY SURVEY, TRACT 22, .4625 ACRES	
443362 R-2130-012-0010-1	LEMONS PATRICIA SUE			301 S COTTONBELT AVE	301 S COTTONBELT AVE WYLIE, TX 75098	75098-4360	KELLERS #2 (C/WY), BLK 12, LOT 1 & 2; (FKA BLK 11 LTS 5 & 6)	
1567405 R-6820-000-0390-1	WYLIE CYPP PROPERTIES LTD	CENTER PLACE		PO BOX 307	303 S STATE HWY 78 WYLIE, TX 75098	75098-0307	ADS A0820 SAMUEL B SHELBY SURVEY, TRACT 39, 1.1961 ACRES	
1611474 R-1482-000-0090-1	PULLIAM PROPERTIES LLC	STITCH MAKER		1440 E FM 544	208 INDUSTRIAL CT WYLIE, TX 75098	75098-6648	RAILROAD INDUSTRIAL PARK (C/WY), LOT 9	
1611483 R-1482-000-0100-1	PULLIAM PROPERTIES LLC	IG GLOBAL		1440 E FM 544	206 INDUSTRIAL CT WYLIE, TX 75098	75098-6648	RAILROAD INDUSTRIAL PARK (C/WY), LOT 10	
1611492 R-1482-000-0110-1	JOYCE JAMES M & KEISHA	JTM TECHNOLOGIES INC		13366 COUNTY ROAD 763	204 INDUSTRIAL CT WYLIE, TX 75098	75173-6124	RAILROAD INDUSTRIAL PARK (C/WY), LOT 11	
1986228 R-6820-000-0510-1	ST LOUIS SOUTHWESTERN RR CO			PO BOX 959	204 INDUSTRIAL CT WYLIE, TX 75098	75710-0959	ADS A0820 SAMUEL B SHELBY SURVEY, TRACT 51, 16.003 ACRES	
1987714 R-6820-000-0520-1	DALLAS AREA RAPID TRANSIT			1401 PACIFIC AVE	204 INDUSTRIAL CT WYLIE, TX 75098	75202-2732	ADS A0820 SAMUEL B SHELBY SURVEY, TRACT 52, 4.537 ACRES; (0.353 MILES)	
2518387 R-8109-001-0010-1	AMERICAN NATIONAL BANK			PO BOX 40	301 S STATE HWY 78 WYLIE, TX 75098	75160-9003	AMERICAN NATIONAL BANK ADDITION (C/WY), BLK 1, LOT 1; REPLAT	
2522809 R-8109-001-0020-1	MASON HARRISON JARRARD ENTERPRISES LP	AMERICAN NATIONAL BANK		624 W UNIVERSITY DR PMB 221	301 S STATE HWY 78 WYLIE, TX 75098	76201-1889	AMERICAN NATIONAL BANK ADDITION (C/WY), BLK 1, LOT 2; REPLAT	
2522810 R-8109-001-002R-1	STATE OF TEXAS	SONIC		PO BOX 133067	501 WILLIAMS ST WYLIE, TX 75098	75313-3067	AMERICAN NATIONAL BANK ADDITION (C/WY), BLK 1, LOT 2R; REPLAT ROW	
2557389 R-1482-000-003R-1	LARSON DOUBLE D INVESTMENTS LLC	WYLIE PRINTING & OFFICE SUPPLY		345 DONNA DR	501 WILLIAMS ST WYLIE, TX 75098	75098-5294	RAILROAD INDUSTRIAL PARK (C/WY), LOT 3R; REPLAT	
2613995 R-9080-00A-0020-1	HCP CRS2 KELLER-WYLIE TX LLC	BAYLOR HEALTH CENTER	C/O HEALTH CARE PROPERTY INVESTORS INC	3100 W END AVE SITE 800	600 COOPER DR WYLIE, TX 75098	37203-1378	COOPER RETAIL ADDITION (C/WY), BLK A, LOT 2	
2614081 R-6920-002-0750-1	STATE OF TEXAS			PO BOX 3067	600 COOPER DR WYLIE, TX 75098	75221-3067	ADS A0920 JAMES TRUETT SURVEY, SHEET 2, TRACT 75, 1.546 ACRES; STATE HWY 78 ROW	
2614090 R-1482-000-002R-1	WYLIE INDUSTRIAL COURT DEV LTD	LAWYERS TITLE		250 S STATE HWY 78	600 COOPER DR WYLIE, TX 75098	75098	RAILROAD INDUSTRIAL PARK (C/WY), LOT 2R; REPLAT	
2672201 R-10126-000-001A-1	BETTERS CRYSTAL &	JASON BETTERS		300 N COTTONBELT AVE # 1A	300 N COTTONBELT AVE # 1A WYLIE, TX 75098	75098-5098	COURTS AT COTTON BELT CONDOMINIUM (C/WY), UNIT 1A, 10.0 % CMN INT; AMENDED	
2757502 R-1482-000-005R-1	CHICK-FIL-A INC	CHICK-FIL-A	C/O TROUTMAN SANDERS LLP	ATTN: BRIAN J MINK ESQ.	400 S STATE HWY 78 ATLANTA, GA	30308-2216	RAILROAD INDUSTRIAL PARK (C/WY), LOT 5R; (REPLAT)	
2757503 R-1482-000-004R-1	WYLIE ECONOMIC DEVELOPMENT CORPORATION			250 S HIGHWAY 78	211-212 INDUSTRIAL CT WYLIE, TX 75098	75098-3906	RAILROAD INDUSTRIAL PARK (C/WY), LOT 4R; (REPLAT)	